AO 91 (Rev. 11/11) Criminal Complaint HARWOOD/FRAZEE-ARR 02/07/17; FRANCO-ARR 05/21/17; SETTLES-ARR 04/01/17; HIGHFILL-ARR 05/21/17; IVY-ARR 03/13/17; RICE-ARR 04/12/17; BYERS-ARR 04/12/17

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

MAY 30 2017

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY LW
DEPUTY

United States of America
v.
Casy Frazee Daniel Franco
Andrew Settles Billy Highfill Melanie Ivy
Jaymi Rice Lynetta Byers

Defendant(s)

Case No. 7:17-MJ-187

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/7/17 - 4/12/17 in the county of Ector in the Western District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
Title 21, USC 846	Conspiracy to Possess with Intent to Distribute a Quantity of Methamphetamine

This criminal complaint is based on these facts:

See Attached Sheet

☑ Continued on the attached sheet.

Complainant's signature

Brandon Ford, FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-30-17

Judge's signature

City and state: Midland, TX

David Counts, United States Magistrate Judge

Printed name and title

United States of America Criminal Complaint

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FRAZEE, FRANCO, SETTLES, HIGHFILL, BYERS, RICE, IVY

I, Brandon Ford, Task Force Officer with the Federal Bureau of Investigation, having been duly sworn, do depose and state the following.

I am a Detective for the Odessa Police Department (OPD) assigned as a Task Force Officer with the Federal Bureau of Investigation (FBI), El Paso Division, Midland Resident Agency. For the purposes of this application, your Affiant is a federal law enforcement officer Deputized to investigate and arrest under Title 18 of the United States Code. I have been a Task Force Officer with the FBI since September of 2016. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement personnel/agents, witnesses, and debriefs of some of the members of the conspiracy. I have not included every known fact in this investigation, rather only these facts necessary to establish probable cause.

During the month of February 2017, I became aware that an Aryan Circle member by the name of Casy FRAZEE had turned himself in to the United States Probation for a violation regarding his term of supervised release. FRAZEE had been a subject to numerous investigations prior to being incarcerated for vehicle theft, firearm possession and methamphetamine trafficking. Officers of the OPD and FBI Safe Streets Task Force researched FRAZEE's call history through the Securus website, which is maintained by the Ector County Sheriff's Office. FRAZEE made multiple calls to Melanie IVY.

During the recorded phone conversations between IVY and FRAZEE, they often talked about two subjects, "Tennessee" and "Franco." I researched the name "Tennessee" through IVY's "Friend's" list on www.facebook.com and found a subject by the name of Billy HIGHFILL, who I was later able to identify as "Tennessee." The conversations between FRAZEE and IVY were coded, but they discussed "Franco" trading places with IVY and IVY looking for a "new job." Based on my experience in investigating narcotics trafficking, it is likely that they were referring to "Franco" taking over the narcotics trafficking role that IVY had. FRAZEE said that if he had not turned himself in, "they" would have caught him with something "major." IVY told him that he probably would have not been alone. This appears to be a reference to being caught with a quantity of narcotics. A short time after FRAZEE and IVY began their conversations, IVY was arrested in Apache County, Arizona with a quantity of narcotics.

Another subject that FRAZEE was in contact with was Jaymi RICE, aka Jaymi Bentley. During these calls, there were a number of discussions regarding "Tennessee," "Franco," and IVY. FRAZEE mentioned "making trips" with IVY to El Paso, and stated that he drove through a checkpoint with her once and found out that there was "40" in the car, which he stated caused him stress. This appears to be a reference to 40 ounces of methamphetamine. FRAZEE told RICE numerous times that he was going to set her up

with "Tennessee." Furthermore, he told her that "Tennessee" was going to "bless her game" and she (RICE) was going to "take my (FRAZEE) place." This was FRAZEE establishing RICE in his prior position in the narcotics trafficking conspiracy. RICE told FRAZEE that IVY was arrested on a trip and she (IVY) had all of RICE's money. When they discussed how careless IVY had become, RICE told FRAZEE that "Tennessee" had cut IVY's allowance to "six and three-thousand." This was a reference to six ounces of methamphetamine and three thousand dollars.

Late in the month of February, FRAZEE called HIGHFILL, who identified himself and spelled his name during one of the phone calls. Furthermore, he made reference to an address in El Paso, TX that was listed on his ID. In researching HIGHFILL, I determined HIGHFILL had an El Paso address. During these calls, FRAZEE explained that RICE is a "good mother fucker," he describes her as "gangster," and states that he wants HIGHFILL to "bless her game." He asks HIGHFILL if he can "do that for him." HIGHFILL responds by saying "She's good." During later calls, RICE and HIGHFILL are on the phone together at the same time and place with FRAZEE.

During a March call, RICE explained to FRAZEE issues with a subject by the nickname "Kid" (identified as Andrew SETTLES) and his girlfriend "Zoe" (identified as Zoe TOLBERT). RICE did not trust "Zoe." Eventually, FRAZEE directed RICE to "cut them both off." SETTLES had been recently released from the Texas Department of Criminal Justice and is an active Aryan Circle gang member. On 04-02-2017, SETTLES was arrested by the Texas Department of Public Safety and the Ector County Sheriff's Office for Evading Detention and he possessed 3 ounces of methamphetamine, a distributable quantity.

Following SETTLES' arrest, I searched the jail calls for a phone number that I knew belonged to Lynetta BYERS, a subject in a prior investigation. During their phone call, BYERS referred to SETTLES as "Kid." During one of these calls, BYERS three-way dialed "Zoe" and there was a brief argument between SETTLES and "Zoe" regarding $1,200 and a "whole one" and a "whole pizza." Prior to calling "Zoe" for SETTLES, BYERS stated that she had already told "Zoe" that SETTLES owed her for the "whole pizza." Eventually, SETTLES and "Zoe" made amends on the transaction with BYERS' support. On another call, SETTLES directs BYERS to a house and wants her to meet with "Jaymi." Upon knocking on the door, BYERS contacted a person by the name of "Ben" who leads her to "Jaymi." I was able to identify the voice as RICE's. During this call, SETTLES tells RICE that she needs to "set up" BYERS. SETTLES tells BYERS that he was caught with dope, but nobody has to worry about "his end" because he is going to "fade it." Finally, he tells RICE to tell "old boy" that he doesn't have his money. This was during the part of the conversation where they were talking about the narcotics that he was caught with. SETTLES tells BYERS that she could give "old boy" (later identified as HIGHFILL) some of SETTLES' property to make up for the money. RICE tells him that "he" (HIGHFILL) squashed the debt and SETTLES was "good."

During a call with George Scott, BYERS referred to him as "Bubba" and he referred to her as "Sis." BYERS was very upset and told Scott that "Lil Robbie" (a known drug dealer and Aryan Circle member) had stolen $5,000 and three and a half ounces of "work" from her house. Furthermore, she stated that she still owed for the "work," but she talked to "Jaymi" and she was looking for "Lil Robbie."

In another call, SETTLES spoke with HIGHFILL and RICE, who were together. He told HIGHFILL not to worry about "my end." He apologized to HIGHFILL about being caught and stated that he was going to "do his time." He told HIGHFILL that HIGHFILL can have SETTLES' dirt bike and four wheeler for what he owes. HIGHFILL seems to agree with the arrangement.

On 04-13-2017, BYERS was arrested leaving 815 W 61st, Odessa, where RICE was living. BYERS was arrested with approximately seven ounces of methamphetamine.

Later in the evening, a traffic stop was conducted on Daniel FRANCO after Officers observed his vehicle leaving 815 W 61st. FRANCO was in possession of approximately four ounces of cocaine. Officers applied for and executed a search warrant at 815 W 61st. Officers located a small quantity of methamphetamine, marijuana, prescription pills, and $10,656 US currency, proceeds from the previous narcotics transactions.

In an interview with BYERS at the OPD, BYERS stated that she had purchased the methamphetamine from Jaymi RICE. BYERS admitted that she bought four ounces of methamphetamine from RICE for $2,200. BYERS said that she went to RICE's residence and gave RICE the money. RICE walked to the back of the residence and came back with the narcotics.

On 4/17/17, Jaymi RICE, was interviewed at the Ector County Law Enforcement Center Law Library. RICE admitted that she received narcotics from Tennessee (Billy HIGHFILL). RICE said that Casy FRAZEE introduced her to HIGHFILL. RICE confirmed that FRAZEE arranged, through the recorded jail call, for her and HIGHFILL to meet and work together.

RICE said that her relationship with HIGHFILL started out with her taking him meals and helping him with whatever he needed, and later HIGHFILL provided methamphetamine for RICE's personal habit.

RICE advised that sometime in the past few weeks she was contacted by HIGHFILL and he requested RICE give BYERS one ounce of methamphetamine.

On or about 4/12/17, HIGHFILL requested RICE give BYERS four ounces of methamphetamine in exchange for $2,200. RICE said that the money found in the house belonged to HIGHFILL, and should be approximately $10,000. RICE said that the

"molly" (MDMA) found in her room also belonged to HIGHFILL. RICE also stated that Daniel FRANCO was involved in the narcotics trafficking.

RICE claimed that on the night FRANCO was stopped outside her house, he had dropped off some luggage for HIGHFILL. The luggage was located in RICE's bedroom. RICE stated that FRANCO was who would deliver the methamphetamine to her for HIGHFILL.

RICE stated that HIGHFILL was supplying Andrew SETTLES with methamphetamine to distribute prior to SETTLES' arrest. SETTLES was supplying BYERS with methamphetamine to distribute. RICE advised that FRANCO was making trips to El Paso every few days to pick up methamphetamine to bring back to the Midland/Odessa area. RICE believed that the connection between Odessa and El Paso started with FRAZEE, and now is handled by HIGHFILL, since FRAZEE is confined. RICE claimed that prior to FRAZEE's confinement, he was making the trips to El Paso with a female by the name of Melanie.

On 04-19-2017, OPD Sergeant John Sikes conducted a second interview with BYERS at the OPD. Sgt. Sikes asked BYERS how much "dope" she picked up from RICE the night that she was arrested. BYERS stated that she paid RICE $2,100 or $2,200 for the four ounces. She said that RICE was about to leave out of town and wanted to get rid of what she had. BYERS stated that she already had methamphetamine on her prior to going. Sgt Sikes asked BYERS how she became associated with RICE and she stated that she met her through "Kid." She said that when "Kid" went to jail, he asked her to get his possessions from Zoe's house. When Zoe wouldn't give her the possession, "Kid" told her to go to RICE's. She stated that following this introduction, she bought an ounce of methamphetamine from RICE.

Regarding her relationship with SETTLES, BYERS stated that the two of them had been friends for approximately a month. Sgt. Sikes asked BYERS what "Lil Robbie" stole from her residence. She stated that he stole a safe containing approximately two and a half ounces of methamphetamine and $4,700. BYERS stated that prior to her being arrested, she had received approximately four ounces of methamphetamine from SETTLES and stated that it was from a vehicle that he had wrecked when he ran from the police. According to BYERS, she delivered one of those ounces to Zoe TOLBERT in an attempt to get SETTLES' possessions from her. BYERS explained that a "whole pizza" was terminology for an ounce of methamphetamine, and it was used to disguise the talk from police.

On 4/28/17, Sgt Sikes spoke to Melanie IVY at the El Paso County Jail. IVY confirmed the details of the investigation, including that she had taken trips with FRAZEE to pick up methamphetamine. When asked about passing through a checkpoint with "40", IVY

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stated that it was actually one pound of methamphetamine. IVY further confirmed information received about HIGHFILL cutting her off with six ounces.

The Affiant believes there is probable cause that FRAZEE, BYERS, RICE, FRANCO, HIGHFIL, SETTLES, and IVY conspired together to traffic and distribute methamphetamine in Ector County TX, located in the Western District of Texas in violation of Title 21, United States Code, §846 .

Brandon Ford
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me in my presence on this day the 30 of May, 2017.

David Counts
United States Magistrate Judge